



# California Regulatory Notice Register

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The *California Regulatory Notice Register* is an official state publication of the Office of Administrative Law containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend or repeal regulations contained in the California Code of Regulations. The effective period of a notice of proposed regulatory action by a state agency in the *California Regulatory Notice Register* shall not exceed one year [Government Code § 11346.4(b)]. It is suggested, therefore, that issues of the *California Regulatory Notice Register* be retained for a minimum of 18 months.

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## PROPOSED ACTION ON REGULATIONS

*Information contained in this document is published as received from agencies and is not edited by the Office of State Publishing.*

### TITLE 4. ATHLETIC COMMISSION

**NOTICE IS HEREBY GIVEN** that the California State Athletic Commission (hereinafter "commission") is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at Irvine City Hall, One Civic Center Plaza, Irvine, California, 92606-5208 at 10:00 am, on Thursday, August 14, 2003. Written comments must be received by the commission at its office at 1424 Howe Avenue, Suite 33, Sacramento, California, 95825 not later than 5:00 p.m. on August 12, 2003 or must be received by the commission at the hearing. Written comments may also be faxed to this phone number (916) 263-2197 or e-mailed to this e-mail address [Robert\\_Lynch@dca.ca.gov](mailto:Robert_Lynch@dca.ca.gov). The California State Athletic Commission, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

#### AUTHORITY AND REFERENCE

Pursuant to the authority vested by Sections 18611 of the Business and Professions Code, and to implement, interpret or make specific Sections 18640 of said Code, the California State Athletic Commission is considering changes to Division 2 of Title 4 of the California Code of Regulations as follows:

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Section 18611 of the Business and Professions Code authorizes the commission to adopt, amend, or repeal, regulations as may be necessary to carry out the laws relating to boxing and martial arts.

Amend Sections: 500; 501; 502; 510; 513; 514; 520; 522; 530; 531; 533

Adopt Sections: 503; 512; 515; 516; 517; 518; 523; 524

Repeal Sections: 521

Currently there are no regulations in place that address full contact mixed martial arts or "submission fighting". This proposal would adopt regulatory language for full contact mixed martial arts type fighting. This proposal also eliminates any inconsistencies between mixed martial arts and kickboxing.

#### FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None

Business Impact: The commission has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting California businesses, including the ability of California businesses to compete with businesses in other states.

Promoters and other martial arts participants such as martial arts fighters, judges, referees and physicians would have the opportunity to earn additional income from the regulation of mixed martial arts as it would become a legal sport.

Impact on Jobs/New Businesses: The commission has determined that this regulatory proposal will not have any impact on the creation of jobs or businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Persons or Business: Licensees involved in the mixed martial arts sport would pay licensing fees to the State of California. A 5% gross gate tax or a minimum of \$1,000 for a professional match would be assessed on each promoter who promotes an event.

Effect on Housing Costs: None

#### EFFECT ON SMALL BUSINESS

The commission has determined that the proposed regulations would not affect small businesses. Only licensed promoters and participants would be affected.

#### CONSIDERATION OF ALTERNATIVES

The commission has determined that no reasonable alternative which it considered or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

If the mixed martial arts regulations are not adopted, mixed martial arts also known as submission fighting will continue to exist in a covert manner, and it will continue to be unregulated where there is no structure or rules governing these fights. This would result in persons not having the appropriate knowledge or expertise in the martial arts field to properly referee or judge these fights and would subject the fighters to serious or detrimental injuries.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

#### INITIAL STATEMENT OF REASONS AND INFORMATION

The commission has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

#### TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the California State Athletic Commission at 1424 Howe Avenue Suite 33, Sacramento, California 95825.

#### AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the website listed below.

#### CONTACT PERSON

Inquiries concerning the proposed administrative action may be addressed to:

Names: Robert Lynch  
Address: 1424 Howe Avenue, Suite 33,  
Sacramento, California, 95825.  
Telephone No: (916) 263-2195  
Fax No: (916) 263-2197  
E-Mail Address': Robert\_Lynch@dca.ca.gov

Inquiries concerning the substance of the proposed regulations may be directed to Rob Lynch at (916) 263-2195. General inquiries may be directed to Jessica Finch at (916) 263-2195.

Website Access: Materials regarding this proposal can be found at [www.dca.ca.gov/csac](http://www.dca.ca.gov/csac).

## TITLE 5. COMMISSION ON TEACHER CREDENTIALING

### DIVISION VIII OF TITLE 5 OF THE CALIFORNIA CODE OF REGULATIONS

#### PROPOSED AMENDMENT TO CALIFORNIA CODE OF REGULATIONS, TITLE 5 SECTION 80020.1, PERTAINING TO ADDITIONAL ASSIGNMENT AUTHORIZATIONS FOR SPECIALIST TEACHING CREDENTIALS IN LEARNING AND SEVERELY HANDICAPPED

#### NOTICE OF PROPOSED RULEMAKING

The California Commission on Teacher Credentialing proposes to amend regulatory action described below after considering all comments, objections and recommendations regarding the proposed action.

#### PUBLIC HEARING

A public hearing on the proposed actions will be held:

August 14, 2003  
10:00 am  
California Commission on Teacher Credentialing  
1900 Capitol Avenue  
Sacramento, California 95814

Oral comments on the proposed action will be taken at a public hearing. We would appreciate 14 days advance notice in order to schedule sufficient time on the agenda for all speakers. Please contact Terri H. Fesperman at 916-323-5777 regarding this. Any person wishing to submit written comments at the public hearing may do so. It is requested, but not required, that persons submitting such comments provide fifty copies to be distributed to the commissioners and interested members of the public. All written statements submitted at the hearing will, however, be given full consideration regardless of the number of copies submitted.

#### WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments by fax, through the mail, or by e-mail on the proposed action. The written comment period closes at 5:00 p.m. on August 13, 2003. Comments must be received by that time or may be submitted at the public hearing. You may fax your response to (916) 322-0048; write to the California Commission on Teacher Credentialing, attn. Terri H. Fesperman, 1900 Capitol Avenue, Sacramento, California 95814-4213; or submit an email at [tfesperman@ctc.ca.gov](mailto:tfesperman@ctc.ca.gov).

Any written comments received 14 days prior to the public hearing will be reproduced by the Commission's staff for each Commissioner as a courtesy to the



person submitting the comments and will be included in the written agenda prepared for and presented to the full Commission at the hearing.

#### AUTHORITY AND REFERENCE

Education Code Section 44225(q) authorizes the Commission to adopt the proposed action, which will implement, interpret or make specific Sections 44225(b) and 44225(e) of the Education Code and govern the procedures of the Commission.

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

##### Summary of Existing Laws and Regulations

Education Code Section 44225 provides that the Commission may promulgate rules and regulations. Existing law and regulations allow special education credential holders to serve students in grades preschool, K-12 and adults with Ryan Credentials and grades K-12 with Education Specialist Credentials.

This proposal would allow local employing agencies to allow individuals that hold Specialist Teaching Credentials in Learning and Severely Handicapped to serve mild/moderate and moderate/severe students ages birth to preschool if the teacher meets the requirements of the regulations. The individual must have three years of prior teaching experience at the age level and in the disability area authorized by the credential. The July 1, 2003 date allows employers to continue to assign teachers with the three years of special education experience but would not allow "new" individuals to qualify for this option. Teachers who do not have the three years of appropriate experience must obtain the ECSE Certificate for service to mild/moderate and moderate/severe students. Teacher consent is also required.

**80020.1(c)(2)** Staff is proposing that the Commission allow individuals that hold specific special education credentials in learning and severely handicapped who consent to the assignment and have the appropriate experience by the sunset date to be assigned to serve students at the birth to pre-kindergarten level.

**Documents Incorporated by Reference:** None

**Documents Relied Upon in Preparing Regulations:** None

##### **Disclosures Regarding the Proposed Actions**

The Commission has made the following initial determinations:

Mandate to local agencies or school districts: None

Other non-discretionary costs or savings imposed upon local agencies: None

Cost or savings to any state agency: None.

Cost or savings in federal funding to the state: None.

Significant effect on housing costs: None.

Significant statewide adverse economic impact directly affecting businesses including the ability of California businesses to compete with businesses in other states: None.

These proposed regulations will not impose a mandate on local agencies or school districts that must be reimbursed in accordance with Part 7 (commencing with Section 17500) of the Government Code.

Cost impacts on a representative private persons or business: The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Assessment regarding the creation or elimination of jobs in California [Govt. Code § 11346.3(b)]: The Commission has made an assessment that the proposed amendments to the regulation would not (1) create nor eliminate jobs within California, (2) create new business or eliminate existing businesses within California, or (3) affect the expansion of businesses currently doing business within California.

Effect on small businesses: The Commission has determined that the proposed amendment to the regulations does not affect small businesses. The regulations are not mandatory but an option that affects school districts and county offices of education.

#### CONSIDERATION OF ALTERNATIVES

The Commission must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the Commission would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons or small businesses than the proposed action. Interested individuals may present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

#### CONTACT PERSON/FURTHER INFORMATION

General or substantive inquiries concerning the proposed action may be directed to Terri H. Fesperman by telephone at (916) 323-5777 or Terri H. Fesperman, California Commission on Teacher Credentialing, 1900 Capitol Ave, Sacramento, CA 95814. General question inquiries may also be directed to Debra Moss at (916) 322-4974 or at the address mentioned in the previous sentence. Upon request, a copy of the express terms of the proposed action and a copy of the initial statement of reasons will be made available. This information is also available on the Commission's web site at [www.ctc.ca.gov](http://www.ctc.ca.gov). In addition, all the information on which this proposal is based is available for inspection and copying.

**AVAILABILITY OF STATEMENT OF REASONS  
AND TEXT OF PROPOSED REGULATIONS**

The entire rulemaking file is available for inspection and copying throughout the rulemaking process at the Commission office at the above address. As of the date this notice is published in the Notice of Register, the rulemaking file consists of this notice, the proposed text of regulations, and the initial statement of reasons.

**MODIFICATION OF PROPOSED ACTION**

If the Commission proposes to modify the actions hereby proposed, the modifications (other than non-substantial or solely grammatical modifications) will be made available for public comment for at least 15 days before they are adopted.

**AVAILABILITY OF FINAL STATEMENT  
OF REASONS**

The Final Statement of Reasons is submitted to the Office of Administrative Law as part of the final rulemaking package, after the public hearing. When it is available, it will be placed on the Commission's web site at [www.ct.ca.gov](http://www.ct.ca.gov) or you may obtain a copy by contacting Terri H. Feserman at (916) 323-5777.

**AVAILABILITY OF DOCUMENTS  
ON THE INTERNET**

Copies of the Notice of Proposed Action, the Initial Statement of Reasons and the text of the regulations in underline and strikeout can be accessed through the Commission's web site at [www.ct.ca.gov](http://www.ct.ca.gov).

**TITLE 9. DEPARTMENT OF  
MENTAL HEALTH**

**ACTION: NOTICE OF EMERGENCY RULE-  
MAKING**

**SUBJECT: MENTAL HEALTH PLAN PAY-  
MENT AUTHORIZATION, CLAIMS  
CERTIFICATION AND PROGRAM  
INTEGRITY, DMH 0403**

**PUBLIC PROCEEDINGS**

Notice is hereby given that the California Department of Mental Health (DMH) proposes to adopt the regulatory action described below after considering all comments, objections, or recommendations regarding the proposed regulatory action.

**WRITTEN COMMENT PERIOD**

Any interested person, or their authorized representative, may submit comments relevant to the action described in this notice. Any written statements, arguments, or contentions must be received by the Office of Regulations, California Department of Mental Health, 1600 Ninth Street, Room 150, Sacramento, CA 95814, by 5:00 p.m. on **August 11, 2003**.

It is requested but not required that written statements sent by mail or hand-delivered be submitted in triplicate.

Comments may be transmitted via facsimile 916-654-2440 or electronic mail [regs@dmhhq.state.ca.us](mailto:regs@dmhhq.state.ca.us) and must be received before 5:00 p.m. on the last day of the public comment period. All comments, including electronic mail or facsimile transmissions, should include the author's name and U.S. Postal Service mailing address in order for DMH to provide copies of any notices for proposed changes in the regulation text on which additional comments may be solicited.

**PUBLIC HEARING**

DMH will hold a public hearing commencing at 1:30 p.m. on August 11, 2003, in the Auditorium at 744 P Street, Sacramento, CA. At the hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed action described in the Informative Digest/Policy Statement Overview. DMH requests, but does not require, that persons who make oral comments at the hearing also submit a written copy of their testimony at the hearing.

Reasonable accommodation or sign language interpreting services at a public hearing will be provided upon request. Such request should be made no later than 15 days prior to the close of the written comment period.

**WEB SITE**

This public notice, the regulation text, the initial statement of reasons, and other related documents, are available from the DMH world wide web site <http://www.dmh.cahwnet.gov/regulation/rulemaking.htm>.

**CONTACT**

Inquiries concerning the rulemaking process described in this notice may be directed to Steve Appel, Chief, Office of Regulations, by electronic mail [regs@dmhhq.state.ca.us](mailto:regs@dmhhq.state.ca.us) or telephone 916-654-4027. The backup contact person is William A. Avritt, Acting Deputy Director, Administrative Services, at 916-654-2378. Inquiries concerning the substance of the rulemaking may be directed to Rita McCabe-Hax, Chief, Managed Care Implementation, DMH, at 916-651-9370.

Hearing impaired persons wishing to utilize the California Relay Service may do so at no cost. The telephone numbers for accessing this service are: 800-735-2929, if you have a TDD; or 800-735-2922, if you do not have a TDD.

**INFORMATIVE DIGEST/POLICY  
STATEMENT OVERVIEW**

California's Medi-Cal mental health managed care program operates under Social Security Act, Section

1915(b) waivers that DMH administers under an interagency agreement with the Department of Health Services (DHS), California's single state Medicaid agency. The program provides specialty mental health services to Medi-Cal beneficiaries through contracts between DMH and mental health plans (MHPs) in each county.

DHS, as the single state agency under federal medicaid law, has the responsibility and authority for administering the Medi-Cal program, including the supervision and oversight of other entities providing Medi-Cal services. Federal law at Title 42, United States Code, Section 1396a(a)(11) requires that a State medicaid plan must "provide for entering into cooperative arrangements with the State agencies responsible for administering or supervising the administration of health services . . . looking toward maximum utilization of such services in the provision of medical assistance under the plan." This federal law conveys authority for the interagency agreement between DHS, the single state medicaid agency, and DMH whereby DMH agrees to provide administration and oversight of MHP contracts and the provision of medically necessary specialty mental health services to Medi-Cal beneficiaries in accordance with California's state medicaid plan and approved federal waivers.

As set forth in the interagency agreement between DHS and DMH and described in California's Social Security Act Section 1915(b) Medi-Cal managed mental health care waiver programs approved by the federal Centers for Medicare and Medicaid Services, DMH is responsible for the development and implementation of the Medi-Cal managed mental health care program, subject to DHS review, approval and administrative discretion, and to the extent authorized by and consistent with federal and state laws and regulations, including Title 42, United States Code, Section 1396a(a)(5) and (11) and Title 42, Code of Federal Regulations, Section 431.10.

Title 9, Division 1, Chapter 11, Section 1810.100 et seq., of the California Code of Regulations (CCR) implements, interprets and makes specific the requirements brought about by the changes in the law (Welfare and Institutions Code, Sections 5775 et seq. and 14680 et seq.) for operation of the Medi-Cal managed mental health care program.

Section 1830.215 sets standards for payment authorization systems that MHPs establish for the review of the medical necessity of specified specialty mental health services that providers are or intend to provide to Medi-Cal beneficiaries. The current rule allows the MHPs to determine the services for which they will require payment authorization. DMH proposes amendments to Section 1830.215 to implement the requirements of Welfare and Institutions Code, Sections

14043 et seq., regarding prevention of fraud and abuse in the Medi-Cal program, and the requirements of Welfare and Institutions Code, Section 5767, regarding effective management of the Medi-Cal Early and Periodic Screening, Diagnosis and Treatment (EPSDT) benefit by MHPs. The amendment will require MHPs to make decisions on provider requests for payment authorization for day treatment intensive, day rehabilitation and EPSDT supplemental specialty mental health services in accordance with the terms of the contract between the MHP and the department, rather than allow MHPs the option to rely on the provider's determination of medical necessity.

DMH proposes to adopt Section 1840.112 to implement the requirements of Welfare and Institutions Code, Sections 14043 et seq. to prevent potential fraud and abuse in the delivery of Medi-Cal specialty mental health services by requiring that MHPs certify that the Medi-Cal specialty mental health services included in each claim for federal financial participation were provided in accordance with specified statutory, regulatory and contractual requirements.

#### AUTHORITY

Sections 5775, 14043.75, and 14680 of the Welfare and Institutions Code.

#### REFERENCE

Sections 5718, 5719, 5724, 5767, 5776, 5777, 5778, and 14684 of the Welfare and Institutions Code; and Sections 433.51, 438.210, 438.604, 438.606, 438.608, and 455.18 of Title 42, Code of Federal Regulations.

#### PRE-NOTICE PUBLIC DISCUSSIONS

The following identified agencies, advisory groups, or other bodies were asked to review and comment on the changes in authorization requirements for day treatment intensive and day rehabilitation and/or therapeutic behavioral services (currently the only EPSDT supplemental specialty mental health service) that are proposed for immediate implementation based on this regulation change:

California Alliance of Children and Family Services  
California Coalition of Community Mental Health Agencies  
California Department of Health Services  
California Department of Social Services  
California Mental Health Directors Association  
California Mental Health Planning Council  
California Welfare Directors Association Protection and Advocacy, Inc.  
United Advocates for Children of California

#### FISCAL IMPACT ESTIMATE

**A. Fiscal Effect on Local Government:** The regulation changes may require additional administrative costs for some MHPs and are expected to produce



savings in the total costs of services. The estimated additional administrative costs are \$468,000 annually. The estimated savings in Fiscal Year 2003–04 are \$762,000.

**B. Fiscal Effect on State Government:** The regulation changes are expected to produce savings to the State General Fund for the costs of EPSDT supplemental specialty mental health services and costs related to increased payments to MHPs for program integrity requirements. The estimated additional cost for Fiscal Year 2003–04 is \$1,114,000. The estimated savings in Fiscal Year 2003–04 are \$6,862,000.

**C. Fiscal Effect on Federal Funding of State Programs:** The regulation changes are expected to produce savings in the total costs of services, including related reductions in federal funds. Additional federal funding will be available for the additional administrative costs. The estimated additional administrative funding will be \$2,145,000 in Fiscal Year 2003–04. The estimated savings in Fiscal Year 2003–04 are \$7,624,000.

**D. Fiscal Effect on Private Persons or Businesses Directly Affected:** No private persons or businesses are directly affected by this regulation package. DMH is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the emergency action. Only counties serving as MHPs are directly affected.

#### DETERMINATIONS

DMH has determined that this regulation would not impose a mandate on local agencies or school districts, nor are there any costs which reimbursement is required by Part 7 (commencing with section 17500) of Division 4 of the Government Code.

DMH has determined that this regulation would not impose other non-discretionary cost or savings on local agencies.

DMH has determined that this regulation would not have a significant effect on housing costs.

DMH has determined that this regulation would not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

DMH has determined that this regulation would not significantly affect the following:

1. The creation or elimination of jobs within the State of California.
2. The creation of new businesses or the elimination of existing businesses within the State of California.
3. The expansion of businesses currently doing business within the State of California.

DMH has determined that these regulations will not directly affect small businesses. These regulations only have a direct affect on counties, which are the entities who serve as Medi-Cal Mental Health Plans. These regulations may indirectly change how specialty mental health care providers will do business with the Medi-Cal program, depending on decisions of the providers and the entities contracting with the Department of Mental Health under the authority of these regulations.

#### AVAILABILITY OF STATEMENT OF REASONS AND REGULATION TEXT

DMH has prepared and has available for public review an initial statement of reasons for this regulation, all the information upon which this regulation is based, and the text of this regulation. These documents are posted on the DMH web site. A copy of the initial statement of reasons and the text of this regulation is available upon request to the Office of Regulations at the address noted above. This address will be the location of public records, including reports, documentation, and other material related to this regulation. In addition, when completed, the final statement of reasons will be available.

#### AVAILABILITY OF THE CHANGED OR MODIFIED REGULATION TEXT

After considering all timely and relevant comments received, DMH may adopt this regulation substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the modified text, with changes clearly indicated, shall be made available to the public for at least 15 days prior to the date on which DMH adopts this regulation. Any modifications will also be posted on the DMH web site. Requests for copies of any modified regulation should be directed to Steve Appel, Office of Regulations, at the address indicated above.

#### CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13), DMH must determine that no reasonable alternative considered by DMH or that has otherwise been identified or brought to its attention would be more effective in carrying out the purpose for which the action was taken or would be as effective and less burdensome to affected private persons than this action.

DMH considered the alternative of assuming the responsibility for payment authorization of specific services covered by the MHPs. DMH determined that this would not be feasible in light of the new requirement of Welfare and Institutions Code, Section 5767, that DMH work with a statewide organization representing county mental health services (DMH worked with the California Mental Health Directors



Association) to build on existing systems to apply managed care principles to the Medi-Cal EPSDT benefit covered by the MHPs to ensure management of the program while ensuring access to Medi-Cal beneficiaries. DMH was required by the statute to take some action that built on current MHP systems. Establishing an authorization function at DMH would have undermined existing MHP systems and required the development and staffing of a new function at DMH. There would have been no benefit to providers or beneficiaries under this alternative. Administrative costs would have shifted from MHPs and the federal government to DMH and the federal government.

DMH did not find any alternatives to the MHP claims certification and program integrity requirements. Federal regulations require that the MHPs must be the entities that certify claims to the State and that ensure that proper systems are in place to prevent fraud and abuse. DMH responsibilities in these areas cannot relieve the MHPs of their responsibilities.

## **TITLE 10. DEPARTMENT OF INSURANCE**

### **NOTICE OF PROPOSED ACTION**

(Credit Insurance Agent Licensing Regulations)

**RH02024458**

### **SUBJECT OF PROPOSED RULEMAKING**

The Insurance Commissioner proposes to adopt the regulations described below after considering comments from the public. The Commissioner proposes to amend Title 10, Chapter 5, Subchapter 1, Article 9, by adopting § 2192.1 through § 2192.13 of the California Code of Regulations (10 CCR §§ 2192.1–2192.13). The regulations will establish a new regulatory scheme for licensing and regulating credit insurance agents.

### **PUBLIC HEARING**

No public hearing has been scheduled in connection with this proposed action. A public hearing will be held, however, if no later than fifteen (15) days before the last day of the public comment period the contact person identified below receives from an interested person or his or her duly authorized representative a written request for a public hearing. The sole purpose of such a hearing would be to address the merits of the proposed regulations.

### **AUTHORITY AND REFERENCE**

The proposed regulations will implement, interpret and make specific the provisions of Insurance Code sections 1758.9 through 1758.994 (Assembly Bill 393, 1999; Chapter 321, Statutes of 2000), which became effective January 1, 2002 and will establish a new regulatory scheme for licensing and regulating credit

insurance agents. Authority for this rulemaking is found in Section 8 of Assembly Bill 393 (Chapter 321, Statutes 2000) which requires the Insurance Commissioner to “adopt rules to implement this act.”

### **PRESENTATION OF WRITTEN COMMENTS; CONTACT PERSON**

All persons are invited to submit written comments on the proposed regulations during the public comment period. The public comment period will end at 5:00 p.m. on August 11, 2003. Please direct all written comments to the following contact person:

Debra A. Chaum, Legal Division  
California Department of Insurance  
45 Fremont Street, 21<sup>st</sup> Floor  
San Francisco, CA 94105  
Telephone: (415) 538-4115

### **DEADLINE FOR WRITTEN COMMENTS**

All written materials must be received by the Insurance Commissioner, addressed to the contact person at the address listed above, no later than 5:00 p.m. on August 11, 2003. Any written materials received after that time will not be considered.

### **COMMENTS TRANSMITTED BY E-MAIL OR FACSIMILE**

The Commissioner will accept written comments transmitted by e-mail provided they are sent to the following e-mail address: chaumd@insurance.ca.gov. The Commissioner will also accept written comments transmitted by facsimile provided they are directed to the attention of Debra A. Chaum and sent to the following facsimile number: (415) 904-5490. Comments sent to other e-mail addresses or other facsimile numbers will not be accepted. Comments sent by e-mail or facsimile are subject to the deadline set forth above for written comments.

### **INFORMATIVE DIGEST**

### **SUMMARY OF EXISTING LAW AND POLICY STATEMENT OVERVIEW**

California Insurance Code Sections 1758.9 through 1758.994 (Assembly Bill 393, 1999; Chapter 321, Statutes of 2000), which became effective January 1, 2002, establish a new regulatory scheme for licensing and regulating credit insurance agents. Under the new scheme, no person shall sell or solicit the sale of any form of credit insurance in this state, and receive a commission for doing so, unless that person is licensed as an insurance agent or broker, or is licensed as a credit insurance agent under the newly enacted statutory provisions. The new law provides definitions, and establishes license application, training, management, disclosure and other requirements. Section 8 of Assembly Bill 393 requires the Commis-

sioner to adopt regulations to implement the credit insurance agent law. These regulations hereby noticed fulfil that legislative mandate by implementing, interpreting, and making specific the provisions of the law.

#### EFFECT OF PROPOSED ACTION

The specific provisions of these regulations are as follows:

#### AUTHORITY

Section 2192.1 recites the authority under which the regulations will have been promulgated. This section is reasonably necessary to inform interested parties of the authority under which the regulations will have been promulgated.

#### APPLICABILITY

Section 2192.2 states that the regulations apply to all credit insurance agents, all applicants for a credit insurance agent license, and all persons who transact credit insurance, whether licensed or not. This section is reasonably necessary because some language in the regulations applies to persons acting as credit insurance agents even if not licensed.

#### DEFINITIONS

Section 2192.3 defines some terms that are used, but not defined, in the credit insurance agent statutes. Those terms include "authorized insurer," "sell," "solicit," "endorsee," "commission," "compensation," "fee," and "material terms and conditions." The definitions implement, interpret, and make specific terms used throughout the statutes (and throughout the regulations). This section is reasonably necessary to inform interested parties of the meaning of the defined terms and allows for consistent use of defined terms.

#### APPLICATIONS; LICENSE TERM

Section 2192.4(a) specifies that a separate license must be applied for and obtained by each natural person (i.e., individual) before that person acts as a credit insurance agent, and that a separate license must be applied for and obtained by each organization before that organization acts as a credit insurance agent. The statute is unclear in this regard in that it does not specifically state that a separate license must be applied for by each natural person or organization. This section is therefore reasonably necessary to clarify that a credit insurance agent, whether an individual or an organization, must obtain a license before acting as a credit insurance agent. Without this clarification it might be possible to interpret the licensing statute so that a person could act as a credit insurance agent without a license due to his or her affiliation with a person who is licensed.

Section 2192.4(b) explains that a natural person may sell, solicit, or otherwise transact credit insurance as a licensed credit insurance agent or as an endorsee of an organization that holds a credit insurance agent license, and that a natural person may be named simultaneously as an endorsee of multiple organizations that hold credit insurance agent licenses. This section is reasonably necessary to clarify that a credit insurance agent license may be obtained by natural persons, not merely organizations, and that a natural person may be an endorsee of multiple organizations that hold credit insurance agent licenses.

Section 2192.4(c) states that a credit insurance agent license, whether issued to an individual or an organization, is valid for twelve months, and must be renewed annually by the anniversary of the issue date. This section is reasonably necessary to clarify that a credit insurance agent license is valid for twelve months, and must be renewed annually by the anniversary of the issue date. Without this section, interested persons would not know that a credit insurance agent license is valid for twelve months, and must be renewed annually by the anniversary of the issue date. The Department established a twelve-month term, rather than a longer or shorter period, to coordinate the renewal filing with other filing licensees will need to make on an annual basis. (See Insurance Code section 1758.93).

Section 2192.4(d) requires that an individual credit insurance agent license applicant obtain electronic fingerprint impressions from the Department's vendor for that service, using the Request for Live Scan Service (Form 442-39A). It further requires that the manager of each business location of an organization licensed as a credit insurance agent obtain electronic fingerprint impressions from the Department's vendor for that service, using the Request for Live Scan Service (Form 442-39A).

This section is necessary because the Department uses complex computer hardware and software to collect fingerprints efficiently and inexpensively as possible. The Department employs an exclusive vendor for these computer services and this subsection ensures that applicants for the credit insurance agent license and those seeking renewal of the credit insurance agent license are not exempt from the general requirements and procedures used to obtain fingerprints from all other applicants seeking licenses and licensees seeking renewal of licenses from the Department. The imposition of this requirement allows the Commissioner to perform licensing functions required by statute in a uniform and efficient manner.

## FEES

Section 2192.5(a) recites that a \$300 fee must be paid at the time a credit insurance agent license application is filed with the Department, and a \$30 fee must be paid for each endorsee at the time an organization endorsement appointment form is filed with the Department. These fees were determined by the Commissioner in accordance with California Insurance Code Sections 1758.92(3) and 1758.93(3) and the Commissioner has preliminarily determined that the fees are sufficient to defray the actual cost of processing. This section is reasonably necessary to inform interested parties of the filing fees for a credit insurance agent application and an endorsee application. Without this section, interested persons would not know the amount of these fees.

Section 2192.5(b) states that a \$274 fee must be paid at the time a credit insurance agent license renewal application is filed with the Department, and a \$4 fee must be paid at the time an endorsee renewal application is filed with the Department. These fees were determined by the Commissioner in accordance with California Insurance Code Sections 1758.92(3) and 1758.93(3). This section is reasonably necessary to inform interested parties of the filing fees for a credit insurance agent renewal application and an endorsee renewal application. Without this section, interested persons would not know the amount of these fees.

Section 2192.5(c) provides that the Commissioner may refuse to issue a credit insurance agent license if the appropriate fees do not accompany the application. This section is reasonably necessary to avoid costly fee collection problems for the Department. Without this section, some applicants might delay paying their fees, or refuse to pay their fees, even after receiving a license. This in turn would necessitate expensive collection proceedings, which in some cases would not be successful and would thereafter require expensive due process to revoke the license.

Section 2192.5(d) provides that subject to the provisions of California Insurance Code Sections 1758.92(a)(3) and 1758.92(a)(3) the Commissioner may increase or decrease the fees set forth in these regulations to reflect the actual costs associated with processing the application and renewal transactions. This subsection was not in the emergency regulations, but has been added at the request of interested parties who want to ensure that the fees paid reflect actual costs.

## DISCLOSURE

Section 2192.6(a) specifies that all disclosures required by Insurance Code Sections 1758.97(a) and (b) must be printed and must be clear and conspicuous.

This section is reasonably necessary to assure that disclosures are visible and understandable to consumers.

Section 2192.6(b) states that an insurer must include in the evidence of coverage it provides to a purchaser, pursuant to Insurance Code section 1758.97(c), all provisions the insurer could rely upon to deny a claim. It further states that an insurer may not rely upon a policy provision to deny a claim unless that provision was included in the evidence of coverage. This section is reasonably necessary to assure consumers are properly informed of all provisions their insurers could rely upon to deny a claim. Without this section an insurer could indicate that applicable provisions are contained in a master policy in the possession of a master policyholder. Consumers then would have to make a special effort to request a copy of the master policy contract terms applicable to them, when those terms could easily have been provided to them automatically at or shortly after the insurance purchase.

## TRAINING

Section 2192.7(a) provides that training materials required by Insurance Code section 1758.93(b) must be prepared and submitted to the Commissioner, and must include training for all insurance products to be sold. This section is reasonably necessary to inform licensees and applicants that training materials must be submitted for all insurance products to be sold, not merely some of those products.

Section 2192.7(b) requires retraining of endorsees whenever there is a change in the insurance product(s) sold, but in no event less frequently than every two (2) years for each endorsee. This section is reasonably necessary to make specific Insurance Code Section 1758.93(c).

Section 2192.7(c) states that if training materials have been developed by an insurer and approved by the Department of Insurance, the licensee may submit, in lieu of the training materials, a letter, signed by the licensee's manager or a corporate officer, stating that the licensee will use the approved training materials filed by the insurer. This section is reasonably necessary to permit credit insurance agents to use, without resubmitting, training materials that are already on file with, and approved by, the Department.

## RECORDS

Section 2192.8 requires credit insurance agents to comply with the provisions of Insurance Code Section 1727 and Article 7 of Chapter 5 of Subchapter 1 of Title 10 of the California Code of Regulations, commencing with section 2190. The above referenced statute and regulations specify the records that must be maintained by agents and brokers as well as specifying the location where such records must be maintained. This section is reasonably necessary to assure that



credit insurance agents maintain records necessary for the Department to audit their operations so as to ensure their compliance with California law.

### FORMS

Section 2192.9(a) recites various forms by form number which credit insurance agent applicants and licensees must submit to the Commissioner for various purposes. These include: (1) A written application for licensure must be made on Form 441-9 for individuals and on Form 441-11 for organizations; (2) The credit insurance agent notice of appointment must be made on Form LIC.CI 20; (3) The employee affidavit of training and knowledge must be made on Form LIC.CI 50; (4) The annual certificate of compliance and listing of authorized endorsees must be made on Form LIC.CI 40; (5) The annual training material submission must be made on Form LIC.CI 10; (6) Fingerprint impressions must be requested, and their having been taken evidenced by completion and submission to the Department of a Request for Live Scan Service using Form 442-39A; (7) Organization endorsements must be made using Form 411-8A.

This section is reasonably necessary to implement the statutory scheme, interpret and inform applicants and licensees of the proper forms to use for various filings required by the statute.

Section 2192.9(b) requires that training materials submitted to the Commissioner contain all of the elements set forth in Form LIC.CI 30. This section is reasonably necessary to inform licensees of the specific training materials that must be submitted.

Section 2192.9(c) provides that all forms set forth in section 2192.9(a) are incorporated by reference in the regulations in their entirety and are available upon request, by telephone or in writing, to the Department of Insurance, and on the Department of Insurance website, [www.insurance.ca.gov](http://www.insurance.ca.gov). This section is reasonably necessary to inform interested parties as to how they can obtain the forms used that need to be submitted to the Department by credit insurance agent applicants and licensees.

### CERTIFICATIONS

Section 2192.10 provides that any certification required by Article 16.7 of Chapter 5 of Part 2 of Division 1 of the Insurance Code (commencing with Section 1758.9) must be made under penalty of perjury under the laws of the State of California. This provision is reasonably necessary to assure that certifications are made after proper diligence by applicants and licensees to assure the truth and accuracy of the matters certified.

### LIMITATIONS ON THE CREDIT INSURANCE AGENT'S AUTHORITY TO TRANSACT

Section 2192.11 provides that a person licensed as a credit insurance agent may not sell credit insurance in connection with a loan in excess of \$60,000, relating to or secured by real property, or where the repayment period for any loan or extension of credit exceeds ten years. This provision is reasonably necessary to clarify confusing language in Insurance Code Section 1758.96 and clearly set forth the Legislature's intended limitations on the credit insurance agent's authority to transact.

### ENDORSEE TERMINATION AND RENEWAL

Section 2192.12 states that the Department must provide organizations that hold a credit insurance agent license a list of its endorsees at least 90 days prior to the annual renewal of the organization's license. The organization must terminate endorsees no longer employed by the organization by striking through those endorsees' names, having an officer sign and date the list, and return the list to the Department along with the renewal fees for the non-stricken, active endorsees. The organization must return the endorsee list with an Annual Certificate of Training and List of Endorsee Form LIC.CI 40 to certify that the endorsees have received required training. The submission of the list to the Department will satisfy the credit insurance agent's duty to submit an annual listing of endorsees pursuant to Insurance Code Section 1758.93(b).

This provision is reasonably necessary to inform the organization licensees of the procedure to follow to delete endorsees, to pay the annual fee for maintaining active endorsees, and to certify that endorsees have received training or retraining, all as required by Insurance Code sections 1758.93(a)(3) and 1758.93(b).

### MANDATES ON LOCAL AGENCIES OR SCHOOL DISTRICTS

The proposed regulations do not impose any mandate on local agencies or school districts. There are no costs to local agencies or school districts for which Part 7 (commencing with Section 17500) of Division 4 of the Government Code would require reimbursement.

### COST OR SAVINGS TO STATE/LOCAL AGENCY OR SCHOOL DISTRICT OR IN FEDERAL FUNDING

The Commissioner has determined that the proposed regulations will result in no cost or savings to any state agency, no cost to any local agency or school district that is required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of the Government Code, no other nondiscretionary cost or



savings imposed on local agencies, and no cost or savings in federal funding to the State.

#### ECONOMIC IMPACT ON BUSINESSES AND THE ABILITY OF CALIFORNIA BUSINESSES TO COMPETE

The Insurance Commissioner has made an initial determination that the proposed regulations have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The types of businesses addressed by these regulations are insurers and creditors that engage in 'point of sale' credit insurance transactions.

#### POTENTIAL COST IMPACT ON PRIVATE PERSONS OR ENTITIES/BUSINESSES

The Commissioner is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

#### FINDING OF NECESSITY

The Commissioner finds that it is necessary for the health, safety, or welfare of the people of the state that the regulations apply to businesses.

#### EFFECT ON JOBS AND BUSINESSES IN CALIFORNIA

The Commissioner is required to assess any impact the regulations may have on the creation or elimination of jobs in the State of California, the creation of new businesses, the elimination of new businesses, and the expansion of businesses currently operating in the state. The Commissioner does not foresee that the proposed regulations will have an impact on any of the above but invites interested parties to comment on this issue.

#### IMPACT ON HOUSING COSTS

The matters proposed herein will have no significant effect on housing costs.

#### ALTERNATIVES

The Commissioner must determine that no reasonable alternative considered by the Commissioner or that has otherwise been identified and brought to the attention of the Commissioner would be more effective in carrying out the purposes for which the regulations are proposed or would be as effective and less burdensome to affected private persons than the proposed regulations. The Commissioner invites public comment on alternatives to the regulations.

#### ECONOMIC IMPACT ON SMALL BUSINESS

The Commissioner has determined that the proposed regulations may have a minor effect on small business creditors that engage in "point of sale" credit

insurance transactions. A small business seeking to obtain a credit insurance agent license will pay a \$300 fee for the organization and a \$30 fee for each employee it seeks to license as an endorsee. The Commissioner estimates that most organizations will have fewer than five endorsees. Labor costs in completing the application forms should not exceed \$100. Annual license renewal fees are \$274 for the organization and \$4 for each endorsee.

#### COMPARABLE FEDERAL LAW

There are no existing federal regulations or statutes comparable to the proposed regulations.

#### TEXT OF REGULATIONS AND INITIAL STATEMENT OF REASONS

The Commissioner has prepared an initial statement of reasons that sets forth the reasons for the proposed regulations. Upon request, the initial statement of reasons will be made available for inspection and copying. Requests for the initial statement of reasons or questions regarding this proceeding should be directed to the contact person listed above. Upon request, the final statement of reasons will be made available for inspection and copying once it has been prepared. Requests for the final statement of reasons and/or rulemaking file should be directed to the contact person listed above.

The file for this proceeding, which includes a copy of the proposed regulations, the statement of reasons, the information upon which the proposed action is based, and any supplemental information, including any reports, documentation and other materials related to the proposed action that is contained in the rulemaking file, is available for inspection and copying at 45 Fremont Street, 21st Floor, San Francisco, California 94105, between the hours of 9:00 a.m. and 4:30 p.m., Monday through Friday.

#### AUTOMATIC MAILING

A copy of this notice, including the informative digest, which contains the general substance of the proposed regulations, will automatically be sent to all persons on the Insurance Commissioner's mailing list.

#### WEBSITE POSTINGS

Documents concerning this proceeding are available on the Department's website. To access them, go to <http://www.insurance.ca.gov>. Go to the left margin and scroll down to the link entitled 'Legal Information.' Click on the 'Legal Information' link and once the 'Legal Information' screen appears then click on the 'Proposed Regulations' link near the top of the page. When the 'Search or Browse for Documents for Proposed Regulations' screen appears, you may choose to find the documents either by conducting a search or by browsing for them by name.

To search, enter "RH02024458" (the Department's regulation file number for these regulations) in the search field. Alternatively, search using as your search term the California Insurance Code section number of a code section that the regulations implement (for instance, "1758.9"), or search by keyword ("credit" for example). Then, click on the "Submit" button to display links to the various filing documents.

To browse, click on the "Browse All Regulations" button near the bottom of the screen. A list of the names of regulations for which documents are posted will appear. Find in the list the 'Credit Insurance Agent Licensing' link, and click it. Links to the documents associated with these regulations will then be displayed.

#### MODIFIED LANGUAGE

If the regulations ultimately proposed by the Department differ from those which have originally been made available but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Interested persons should request a copy of these regulations prior to adoption from the contact person listed above.

### **TITLE 11. COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING**

#### NOTICE OF PROPOSED REGULATORY ACTION

##### **ADD COMMISSION REGULATION 1081(a)(34) ANTI-REPRODUCTIVE RIGHTS CRIMES COURSE**

Notice is hereby given that the Commission on Peace Officer Standards and Training (POST), pursuant to the authority vested by Sections 13503 of the Penal Code (powers of the Commission on POST), Section 13506 (authority for Commission on POST to adopt regulations), and in order to interpret, implement, and make specific Penal Code Section 13778, authority to develop training on Anti-Reproductive Rights Crimes, proposes to amend regulations in Title 11, Division 2, of the California Code of Regulations.

#### **INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

Senate Bill 780 added Penal Code Section 13778, directing the Commission on Peace Officer Standards and Training to develop a two-hour telecourse to train local law enforcement on Anti-Reproductive Rights Crimes (ARRC). The telecourse was delivered to law

enforcement agencies via satellite broadcast on the California POST Television Network in February 2003.

The proposed addition of Commission Regulation 1081(a)(34) adds the ARRC topics to the list of legislatively-mandated courses. Topics include:

- Identifying essential elements of ARRC crimes.
- Recognizing anti-abortion extremists.
- Investigating incidents.
- Developing and sharing intelligence to prevent crimes.
- Protecting the rights of protestors and victims.
- Complying with reporting requirements.

Officers will be trained to enforce appropriate laws, identify and prevent potential crimes, properly investigate related crimes and comply with reporting requirements. They will be trained to diffuse potentially violent situations, recognize indicators of violence among anti-abortion extremists, know the essential elements of new crimes, understand domestic terrorism, and to ensure officer safety.

#### PUBLIC COMMENT

The Commission hereby requests written comments on the proposed actions. All written comments must be received at POST no later than 5:00 p.m. on August 11, 2003. Written comments should be directed to Kenneth J. O'Brien, Executive Director, Commission on Peace Officer Standards and Training, 1601 Alhambra Boulevard, Sacramento, CA 95816-7083, fax number (916) 227-2801, or e-mail at [ken.obrien@post.ca.gov](mailto:ken.obrien@post.ca.gov).

A public hearing is not scheduled. Pursuant to Government Code Section 11346.8, any interested person, or his or her duly authorized representative, may request in writing, no later than fifteen days before the end of the public comment period August 11, 2003, that a public hearing be held.

#### ADOPTION OF PROPOSED REGULATIONS

Following the close of the public comment period, the Commission may adopt the proposal substantially as set forth without further notice or may modify the proposal if such modifications remain sufficiently related to the text as described in the Informative Digest. If the Commission makes changes to the language before the date of adoption, the text of any modified language, clearly indicated, will be made available at least 15 days before adoption to all persons whose comments were received by POST during the public comment period, and all persons who request notification from POST of the availability of such changes. A request for the modified text should be addressed to the agency official designated in this

notice. The Commission will accept written comments on the modified text for 15 days after the date on which the revised text is made available.

#### TEXT OF PROPOSAL

Copies of the Initial Statement of Reasons and exact language of the proposed action may be obtained by submitting a request in writing to the contact person at the address below. This address also is the location of all information considered as the basis for these proposals. The information will be maintained for inspection during the Commission's normal business hours (8 a.m. to 5 p.m., Monday through Friday).

Copies of the Final Statement of Reasons, once it has been prepared pursuant to subdivision (a) of Section 11346.9, may be obtained at the address noted at the end of this notice.

#### ESTIMATE OF ECONOMIC IMPACT

Fiscal impact on Public Agencies including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: Fiscal impact is expected to be minimal and training costs will be shared among POST and presenters.

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Costs to any Local Agency or School District for which Government Code Section 17561 Requires Reimbursement: None

Significant Statewide Adverse Economic Impact Directly Affecting California Businesses, including Small Business: The Commission on Peace Officer Standards and Training has made an initial determination that the proposed regulation will not have a significant statewide adverse economic impact directly affecting California businesses, including the ability to compete with businesses in other states, and has found that the proposed addition of Regulation 1081(a)(34) will have no effect on California businesses, including small businesses, because the Commission on Peace Officer Standards and Training sets selection and training standards for law enforcement and does not impact California businesses, including small businesses.

Cost Impacts on Representative Private Persons or Businesses: The Commission on Peace Officer Standards and Training is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with this proposed action.

Effect on Housing Costs: The Commission on Peace Officer Standards and Training has made an initial determination that the proposed regulation would have no effect on housing costs.

#### ASSESSMENT

The adoption of the proposed regulation revisions will neither create nor eliminate jobs in the state of California, nor result in the elimination of existing businesses or create or expand businesses in the state of California.

#### CONSIDERATION OF ALTERNATIVES

In order to take this action, the Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

#### CONTACT PERSON

Inquiries concerning the proposed action and requests for written material pertaining to the proposed action should be directed to Leah Cherry, Staff Services Analyst, 1601 Alhambra Boulevard, Sacramento, CA 95816-7083, or by telephone at (916) 227-3891, fax number (916) 227-3895 or e-mail at [leah.cherry@post.ca.gov](mailto:leah.cherry@post.ca.gov). The back-up contact person as well as inquiries concerning the substance of the proposed action/text should be directed to Kim Sharman, Staff Analyst, at (916) 227-4809, fax number (916) 227-4823, or e-mail at [kim.sharman@post.ca.gov](mailto:kim.sharman@post.ca.gov).

#### INTERNET ACCESS

Select **Regulations**, then **Notices of Proposed Regulation Changes** to view proposed regulatory actions on POST's home page ([www.post.ca.gov](http://www.post.ca.gov)).

### TITLE 13. CALIFORNIA HIGHWAY PATROL

#### NOTICE OF PROPOSED REGULATORY ACTION

#### TITLE 13, CALIFORNIA CODE OF REGULATIONS DIVISION 2, CHAPTER 6.5, ARTICLE 3 AMEND SECTION 1214

#### MOTOR CARRIER SAFETY— DRIVER FATIGUE (CHP-R-03-15)

The California Highway Patrol (CHP) proposes to amend regulations in Title 13, California Code of Regulations, related to driver fatigue.

INFORMATIVE DIGEST/POLICY  
STATEMENT OVERVIEW

Title 13 CCR, Division 2, Chapter 6.5 contains the California Highway Patrol's Motor Carrier Safety Regulations. Article 6, Section 1214 contains the regulations pertaining to driver fatigue.

The proposed regulatory action amends 13 CCR Section 1214 to be consistent with national transportation requirements found in Title 49, Code of Federal Regulations (49 CFR), Section 392.3, pertaining to the use of an ill or fatigued driver.

**1214 Driver Fatigue**

This amendment will adopt language identical to that language contained in 49 CFR, Section 392.3, therefore allowing California intrastate drivers and motor carriers to compete with interstate drivers and motor carriers under identical safety rules.

PUBLIC COMMENTS

Any interested person may submit written comments on this proposed action via facsimile at (916) 446-4579, by email to [cvsregs@chp.ca.gov](mailto:cvsregs@chp.ca.gov), or by writing to:

CHP, Enforcement Services Division  
Commercial Vehicle Section  
ATTN: Mr. Gary Ritz  
P.O. Box 942898  
Sacramento, CA 94298-0001

Written comments will be accepted until 5:00 PM, August 11, 2003.

No public hearing has been scheduled. If any person desires a public hearing, a written request must be received by the CHP, Commercial Vehicle Section, no later than 15 days prior to the close of the written comment period.

AVAILABILITY OF INFORMATION

The CHP has available for public review an initial statement of reasons for the proposed regulatory action, the information upon which this action is based (the rulemaking file), and the proposed regulation text. Requests to review or receive copies of this information should be directed to the CHP at the above address, by facsimile at (916) 446-4579 or by calling the CHP, Commercial Vehicle Section at (916) 445-1865. Facsimile requests for information should include the following information: the title of the rulemaking package, the requester's name, proper mailing address (including city, state and zip code), and a daytime telephone number in case the information is incomplete or illegible.

The rulemaking file is available for inspection at the California Highway Patrol, Commercial Vehicle Section, 444 North Third Street, Sacramento. Interested parties are advised to call for an appointment.

All documents regarding the proposed action are also available through our web site at [www.chp.ca.gov/regulations](http://www.chp.ca.gov/regulations).

Any person desiring to obtain a copy of the adopted text and a final statement of reasons may request them at the above noted address. Copies will also be posted on our web site.

CONTACT PERSON

Any inquiries concerning the written materials pertaining to the proposed regulations should be directed to Mr. Gary Ritz or Mr. Greg Bragg, CHP, Commercial Vehicle Section at (916) 445-1865. Inquiries regarding the substance of the proposed regulations should be directed to Mr. Gary Ritz.

ADOPTION OF PROPOSED REGULATIONS

After consideration of public comments, the CHP may adopt the proposal substantially as set forth without further notice. If the proposal is modified prior to adoption and the change is not solely grammatical or nonsubstantive in nature, the full text of the resulting regulation, with the changes clearly indicated, will be made available to the public for at least 15 days prior to the date of adoption.

FISCAL AND ECONOMIC IMPACT

The CHP has made an initial determination that this proposed regulatory action: (1) will have no effect on housing costs; (2) will not impose any new mandate upon local agencies or school districts; (3) involves no nondiscretionary or reimbursable costs or savings to any local agency, school district, or state agency, or federal funding to the state; (4) will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California; and (5) will not have a significant statewide adverse economic impact directly affecting businesses including the ability of California businesses to compete with businesses in other states. The regulated community is encouraged to respond during the comment period of this regulatory process if significant impacts are identified.

COST IMPACTS ON REPRESENTATIVE  
PRIVATE PERSONS OR BUSINESSES

The California Highway Patrol is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

EFFECT ON SMALL BUSINESSES

The California Highway Patrol has determined that the proposed regulatory action may affect small businesses.



### ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13), the California Highway Patrol must determine that no reasonable alternative considered by the California Highway Patrol, or that has otherwise been identified and brought to the attention of the California Highway Patrol, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action. The California Highway Patrol invites interested parties to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period.

### AUTHORITY

This regulatory action is being taken pursuant to Sections 31401, 34500.1, 34501, 34501.2, 34501.5, and 34508 of the Vehicle Code (CVC); and Section 39831 of the Education Code (EC).

### REFERENCE

This action implements, interprets, or makes specific Sections 545, 31401, 34003, 34501, 34501.2, 34501.3, 34501.5 and 34508 CVC, and Section 39831, EC.

## TITLE 14. FISH AND GAME COMMISSION

### NOTICE OF PROPOSED CHANGES IN REGULATIONS

**NOTICE IS HEREBY GIVEN** that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 202, 355 and 356 of the Fish and Game Code and to implement, interpret or make specific sections 202, 355 and 356 of said Code, and part 20, Title 50, Code of Federal Regulations, as amended July 21, 1987, 52 Fed. Reg. 27352, proposes to amend sections 502 and 507(c), Title 14, California Code of Regulations, relating to Waterfowl, Migratory; American Coot and Common Moorhen (Common Gallinule), Prohibition on Electronic or Mechanically-operated Devices and American Coot and Common Moorhen Hunting.

### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Section 502, Waterfowl, Migratory; American Coot; and Common Moorhen (Common Gallinule)

1. Current regulations in Section 502, Title 14, California Code of Regulations (CCR), provide definitions, hunting zone descriptions, season opening and closing dates, and daily bag and possession limits. In addition to the five proposals contained herein, the Service, through the analysis of

waterfowl population survey and other data, may also initiate changes in federal regulations which will require changes in existing and proposed State regulations. Changes in federal regulations for season opening and closing dates, elimination or creation of special management areas, season length, and daily bag limits for migratory birds may occur. These two proposed changes to state regulations require changes in the federal regulations. These proposals must be approved by the Pacific Flyway Council at their meeting on July 25, 2003. The Service will consider these and other recommendations at their meeting on July 31, 2003. Remove the Sacramento Valley (East) Special Management Area and allow the take of Canada geese in that area throughout the Balance of State Zone goose season.

The existing regulations in 502(b)(5)(A)4. and 502(d)(5)(D)4. describe the Sacramento Valley (East) Special Management Area and prohibit the take of Canada geese in this Special Management Area during the Balance of State Zone goose hunting season. The proposed change would eliminate the Special Management Area and the prohibition on the take of Canada geese during the Balance of State Zone goose hunting season in this Special Management Area.

2. Remove the restriction on all Canada geese and allow the take of Large Canada geese in the San Joaquin Valley Special Management Area.

The existing regulation in 502(d)(5)(D)6. prohibits the take of all Canada geese in this special management area during the Balance of State goose hunting season. The proposed change would eliminate the restriction on all Canada geese and allow the take of Large Canada geese only.

### Section 507(c), relating to Prohibition on Electronic or Mechanically-operated Devices.

Current regulation prohibits the use of electronic or mechanically operated spinning blade devices or spinning wing decoys when attempting to take waterfowl from the start of waterfowl season through November 30. The tentatively proposed regulation change would prohibit their use throughout the waterfowl hunting season.

Existing analyses suggest that spinning blade devices or spinning wing decoys increase duck harvest, and this technological advance may have increased duck harvests to higher levels than would have occurred under normal conditions. However, overall duck harvests have been declining in California. In California, mallards comprise about 25% of the total duck harvest and the vast majority, especially early in the hunting season, of these mallards originate

in California. The estimated breeding population of mallards and all other ducks in California has declined for 3 consecutive years.

Population assessments and other analyses are underway and are scheduled to be completed during June.

Editorial changes may also be proposed to improve the clarity and consistency of the regulations.

**NOTICE IS GIVEN** that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at the Westin Long Beach, 333 East Ocean Blvd., Long Beach, California, Saturday, August 2, 2003, at 8:30 a.m., or as soon thereafter as the matter may be heard

**NOTICE IS ALSO GIVEN** that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in City Council Chambers, 100 Santa Rosa Avenue, Santa Rosa, California on Friday, August 29, 2003, at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before August 22, 2003 at the address given below, or by fax at (916) 653-5040, or by e-mail to FGC@dfg.ca.gov, but must be received no later than August 29, 2003, at the hearing in Santa Rosa, California. E-mail comments must include the true name and mailing address of the commenter.

The regulations as proposed in ~~strikeout~~-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, John M. Duffy, Assistant Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct inquiries to John M. Duffy or Tracy L. Reed at the preceding address or phone number. Mr. John Carlson, Department of Fish and Game, phone (916) 445-3555, has been designated to respond to questions on the substance of the proposed regulations. Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.dfg.ca.gov>.

#### AVAILABILITY OF MODIFIED TEXT

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Circumstances beyond

the control of the Commission (e.g., timing of Federal regulation adoption, timing of resource data collection, timelines do not allow, etc.) or changes made to be responsive to public recommendation and comments during the regulatory process may preclude full compliance with the 15-day comment period, and the Commission will exercise its powers under Section 202 of the Fish and Game Code. Regulations adopted pursuant to this section are not subject to the time periods for adoption, amendment or repeal of regulations prescribed in Sections 11343.4, 11346.4 and 11346.8 of the Government Code. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

#### IMPACT OF REGULATORY ACTION

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- a) Significant Statewide Adverse Economic Impact Directly Affecting Business, including the Ability of California Businesses to Compete with Businesses in Other States:  
The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed regulations are intended to provide additional recreational opportunity to the public. Our experience has shown that additional recreational opportunity has a neutral economic impact on businesses.
- b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California: None.
- c) Cost Impacts on a Representative Private Person or Business: The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.
- e) Nondiscretionary Costs/Savings to Local Agencies: None.
- f) Programs mandated on Local Agencies or School Districts: None.

- g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4: None.
- h) Effect on Housing Costs: None.

#### EFFECT ON SMALL BUSINESS

It has been determined that the adoption of these regulations may affect small business.

#### CONSIDERATION OF ALTERNATIVES

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed or would be as effective as and less burdensome to affected private persons than the proposed action.

### GENERAL PUBLIC INTEREST

#### DEPARTMENT OF FISH AND GAME

##### CONSISTENCY DETERMINATION Fish and Game Code Section 2080.1 Tracking Number 2080-2003-010-BDD

PROJECT: 2003–2004 State Water Project Delta Facility Increased Diversion to Recover Reduced Exports Taken to Benefit Fisheries Resources Project

LOCATION: Contra Costa County

NOTIFIER: Department of Water Resources

#### BACKGROUND

In the spring of 2000 the Department of Water Resources (DWR) proposed a two-year 500 cubic feet per second (cfs) diversion increase into the Clifton Court Forebay (CCF). The purpose of the increase was to allow greater export flexibility in order to recover water from previous or anticipated reductions in pumping to benefit fish resources. On June 13, 2000 the Department of Fish and Game (Department) issued Consistency Determination 2080-2000-026-3 on DWR's proposed project finding that the U.S. Fish and Wildlife Service's (USFWS) Operations Criteria and Plan (OCAP) Biological Opinion for the Central Valley Project (CVP) and State Water Project (SWP) and concomitant take authorization for delta smelt was sufficient to meet the Department's own requirements for incidental take under Fish and Game Code section 2080.1.

On May 5th, 2003 the Department received a written request from DWR seeking to extend use of the 500cfs diversion increase providing project flexibility for fishery benefit in 2003 and 2004.

#### DETERMINATION

The project purpose is to continue to provide protection for federal and State listed fish species by reducing Delta diversions in key periods for the fish and increasing diversions into CCF in the summer to recover water supply impacts caused by these export reductions. The proposed increased diversions will continue to provide an increment of supply from the Delta, reduce storage withdrawals from San Luis Reservoir and, under some circumstances may help avoid water quality concerns arising when San Luis Reservoir storage fall below a critical low point.

Previously the Department found that the project and mitigation measures set forth in the USFWS' 1995 Biological Opinion for delta smelt met the conditions set forth in Fish and Game Code section 2081(b) and (c) for authorization of incidental take of species protected under CESA. The Department further determined that the project was not likely to jeopardize delta smelt or result in destruction or adverse modification of the corresponding critical habitats if the measures described in that Opinion and project description are implemented. Some of the measures incorporated into the project description and described in the biological opinion require:

1. The increased diversion rate will not result in an increase in the annual water supply for the SWP. In addition, water obtained during the increased diversion period can only be used to offset reduced diversions that occurred or will occur because of ESA or other actions taken to benefit fisheries resources during the same calendar year.
2. Use of the increased SWP diversion rate will be in accordance with terms and provisions of existing Biological Opinions for SWP operations.
3. All three temporary agricultural barriers must be in place and operating when SWP diversions are increased. Increased diversions will only be made if the Clifton Court Forebay gates can be operated to Priorities 1, 2, and 3 and adverse impacts to local water users are avoided.
4. By April 1 of each year, DWR and Reclamation will develop an operations plan for the calendar year showing when and how much SWP exports would be reduced in the spring and fall and increased during the summer (between July 1 and September 30). The joint chairs of the CALFED Operations Group will review the plan at the next CALFED Operations Group meeting and make a decision as to whether to approve the plan or to ask



the Water Operations Management Team (WOMT) for a decision on the plan. The WOMT will make the final decision on plan approval if the joint chairs of the CALFED Operations Group request them to do so. DWR and Reclamation will prepare monthly updates to the operation plan as necessary to be presented to the CALFED Operations Group meetings.

5. If the operations plan for the increased SWP diversion rate during the summer has been approved by either the joint chairs of the CALFED Operations Group or the WOMT, then the SWP may increase its diversions between July 1 and September 30 in accordance with the approved operations plan. The increased diversions would not occur during any time that the "yellow light" in the USFWS Biological Opinion for delta smelt has been triggered or is in effect.
6. Prior to the start of, or during any time which the SWP has increased its diversion rate between July 1 and September 30 in accordance with the approved operations plan, if the combined salvage of the delta smelt 14-day running average exceeds 200, the CALFED Data Assessment Team (DAT) will convene to assess the need to modify planned SWP Delta operations. If DAT does not concur that the use of the increased SWP diversion rate should be allowed to continue, then the issue will be elevated with the intent of reaching resolution as soon as possible. If the CALFED Operations Group cannot resolve the issue, it will be elevated to the WOMT. The WOMT will make the final decision as to whether the use of the SWP increased diversion rate should continue or be suspended.

Because the circumstances under which the prior Consistency Determination was issued remain unchanged and the measures incorporated into the project description and biological opinion have been demonstrably implemented, the Department authorizes the continued incidental take of delta smelt pursuant to Section 2080.1 of the Fish and Game Code and no further incidental take authorization under CESA is required. Any substantive changes to the project as described in the biological opinion, including changes to the mitigation measures, will require the DWR to obtain a new consistency determination or a CESA incidental take permit from the Department. As the proposed project will not likely affect Sacramento River winter-run chinook salmon, or Central Valley spring-run chinook salmon, the Department makes no findings pursuant to 2080.1 for these races of salmon.

## DEPARTMENT OF FISH AND GAME

### PUBLIC INTEREST NOTICE FOR PUBLICATION JUNE 27, 2003

#### CESA CONSISTENCY DETERMINATION FOR Paramount Farming Company Safe Harbor Agreement and Incidental Take Permit Kern County

The Department of Fish and Game ("Department") received notice on June 9, 2003 that the Paramount Farming Company has received a Federal Enhancement of Survival Permit authorizing incidental take of San Joaquin kit fox (*Vulpes macrotis mutica*) that may occur during farming operations or during implementation of the Safe Harbor Agreement. The kit fox is a species protected by the California Endangered Species Act ("CESA"). This project consists of installing "escape dens" on Paramount's approximately 1,668 acres near the California Aqueduct in Kern County in order to reduce predation by coyotes as the kit fox move between habitats.

The U.S. Fish and Wildlife Service, on November 25, 2002, issued an intra-Service Biological Opinion (1-1-02-F-0278) which considers the Federally endangered and State threatened San Joaquin kit fox (*Vulpes macrotis mutica*) and authorizes incidental take.

Pursuant to California Fish and Game Code Section 2080.1, the Paramount Farming Company is requesting a determination on whether the Federal Biological Opinion 1-1-02-F-0278 and the associated Safe Harbor Agreement and Incidental Take Permit are consistent with CESA.

If the Department determines that the Incidental Take Permit is consistent with CESA, the Paramount Farming Company will not be required to obtain an incidental take permit under CESA (Fish and Game Code Section 2081(b)) for the proposed project.

## DEPARTMENT OF HEALTH SERVICES

#### DEPARTMENT OF HEALTH SERVICES INTENDS TO SUBMIT A STATE PLAN AMENDMENT REGARDING THE LONG-TERM CARE REIMBURSEMENT METHODOLOGY

This notice is being given to provide information of public interest with respect to providing a transitional Medi-Cal reimbursement rate for the nursing facility presently known as Burlingame Health Center located at 1100 Trousdale Drive in Burlingame, California. It is the intent of the Department of Health Services ("DHS") to submit to the federal Centers for



Medicare & Medicaid Services an amendment to the California State Plan ("State Plan") under Title XIX under the Social Security Act to implement a transitional rate covering the facility (soon to be licensed as a distinct part nursing facility) with an effective date of July 1, 2003, but not earlier than the date the facility is acquired by the County of San Mateo.

#### REVISION TO DP/NF RATE METHODOLOGY

DHS intends to submit language for the State Plan regarding the reimbursement rate for the facility. The current reimbursement methodology applicable to the Burlingame facility is the rate for a freestanding nursing facility, Level B ("NF-B"). Under current State Plan provisions, when a hospital acquires a NF-B nursing facility that it will operate under the license of a hospital as a distinct part of that hospital, the newly acquired facility will be reimbursed at the rate applicable to a distinct part nursing facility ("DP/NF"). A newly licensed DP/NF is reimbursed utilizing available freestanding NF-B cost reports until cost data including both NF-B data and DP/NF data is available for the applicable rate study. In following rate years, as DP/NF cost data for the particular facility becomes available, this most recent data is used to determine a rate.

The new language for the State Plan will authorize DHS to pay to the County of San Mateo a transitional rate to its new DP/NF rather than at the rate normally paid to a newly licensed DP/NF. The transitional rate will be equal to San Mateo County's existing hospital DP/NF rate effective July 1, 2003 (or upon its later acquisition and operation by the County of San Mateo). At the conclusion of the transition period, the transitional rate will terminate, and the rate for the facility will be determined in the same manner as DP/NF's generally, utilizing, to the extent applicable, historical facility costs in determining the rate. Current plans are for the transitional rate to be paid until August 1, 2006, but the transitional rate could be terminated at an earlier date.

Pursuant to Welfare and Institutions Code section 14105.27, San Mateo County (as a public entity) would be also eligible for supplemental reimbursement for the new facility equal to the federal share of the costs it incurs in serving Medi-Cal beneficiaries in excess of the regular reimbursement rate.

#### PUBLIC REVIEW

The proposed amendment to the State Plan, which details the changes discussed above, is available for review at local county welfare offices throughout the State. Copies of the proposed State Plan Amendment may be requested and written comments may be sent

to Grant Gassman, Chief of the Long Term Care Reimbursement Unit, Rate Development Branch, Department of Health Services, 714 P Street, Room 1550, Sacramento, CA 95814.

### OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

#### PUBLIC WORKSHOP ON chRDs

#### NOTICE TO INTERESTED PARTIES

6/13/2003

Announcement of the Public Release and a Public Workshop to Discuss and Receive Public Input on "Draft Proposed Child-Specific Reference Doses (chRD) for School Site Risk Assessment: Cadmium, Chlordane, Heptachlor/Heptachlor Epoxide, Methoxychlor, and Nickel."

The Office of Environmental Health Hazard Assessment (OEHHA) of the California Environmental Protection Agency is announcing the immediate availability of a draft report on proposed child-specific reference doses (chRD) for the first set of five chemicals (cadmium, chlordane, heptachlor/heptachlor epoxide, methoxychlor, and nickel) [[www.oehha.ca.gov/public\\_info/public/kids/index.html](http://www.oehha.ca.gov/public_info/public/kids/index.html)]. This draft document is part of a series issued in compliance with California Health and Safety Code Section 901(f)-(g), that requires OEHHA to identify chemicals that may be found at school sites and may be of health concern to the school population; and develop and publish numerical health guidance values for these potential contaminants and guidance for school site health risk assessment. A public workshop will be held from 10 AM to 12 PM on July 21, 2003, in the Sierra Hearing Room on the second floor of the Joe Serna (Cal/EPA headquarters) Building, 1001 I Street, Sacramento, California, to discuss the scientific basis of the proposed chRDs. OEHHA follows the requirements set forth in Health and Safety Code, Section 57003, for conducting the workshop and receiving public input. Oral and written comments received at the workshop and during the comment period will be considered during the revision of the draft document. Because there will be no official transcript of the meeting, we recommend that oral comments also be submitted in writing. Written comments must be received at OEHHA by 5:00 p.m. on August 18, 2003, to be considered.

Following the workshop, OEHHA will evaluate all comments received, revise the document, and make the revised document available for a 30-day public

review and comment period. This second review and comment period will be announced and published in the California Regulatory Notice Register and posted on the OEHHA Web site. The responses to the significant comments from the public and scientific reviewers will be available on the OEHHA Web site upon publication of the final guidance document.

If you would like to receive further information on this announcement or have questions, please contact our office at (916) 323-6557 or the address below. Written requests or comments should be addressed to:

David M. Siegel, PhD, DABT, Chief  
Integrated Risk Assessment Section  
Office of Environmental Health Hazard Assessment  
1001 I Street, 12th Floor  
P.O. Box 4010  
Sacramento, California 95812-4010  
FAX: (916) 322-9705

## DECISION NOT TO PROCEED

### BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS

#### DECISION TO DISCONTINUE RULEMAKING PROCEEDING

The Board of Vocational Nursing and Psychiatric Technicians has discontinued rulemaking under the Notice published on May 16, 2003, OAL File # Z-03-0506-02, related to Vocational Nursing and Psychiatric Technicians.

## RULEMAKING PETITION DECISIONS

### DEPARTMENT OF CORRECTIONS

#### NOTICE OF DECISION ON PETITION TO AMEND REGULATIONS

#### California Code of Regulations Title 15, Crime Prevention and Corrections Division 3

#### PETITIONER

Randy Branson

#### AUTHORITY

Under authority established in Penal Code (PC) Section 5058 the Director may prescribe and amend regulations for the administration of prisons.

PC Section 5054 vests with the Director the supervision, management, and control of the prisons, and the responsibility for the care, custody, treatment, training, discipline, and employment of persons confined therein.

#### CONTACT PERSON

Please direct any inquiries regarding this action to Rick Grenz, Chief, Regulation and Policy Management Branch, California Department of Corrections, PO Box 942883, Sacramento, CA 94283-0001, or telephone (916) 322-9702.

#### AVAILABILITY OF PETITION

The petition for amendment of the regulations is available upon request directed to the Department's contact person.

#### SUMMARY OF PETITION

Petitioner requests the Department of Corrections (CDC) amend the California Code of Regulations (CCR), Title 15, Section 3040 to include Testing for Adult Basic Education and the requirements as stated in PC Section 2053 et seq.

#### DEPARTMENT DECISION

The Director of Corrections denies the petition to amend CCR, Title 15, Section 3040 on the bases of the necessity and nonduplication clauses as set forth in the Administrative Procedures Act. Pursuant to Government Code (GC) Section 11349(a), "necessity means the record of the rulemaking proceeding demonstrates by substantial evidence the need for a regulation to effectuate the purpose of the statute, court decision, or other provision of law that the regulation implements, interprets, or makes specific, taking into account the totality of the record." Because PC Section 2053(a) and (b) clearly state that the CDC shall enact the Prisoner Literacy Act and determine the reading level of each prisoner upon commitment, no regulation change is necessary. In addition, pursuant to GC Section 11349(f), "Nonduplication means a regulation does not serve the same purpose as a state or federal statute or another regulation." This petition to amendment regulations would serve the same purpose as PC Section 2053, and therefore its adoption would represent a violation of this standard.

The Department contends that PC Section 2053 et seq., sufficiently addresses your concerns regarding the CDC's responsibility to determine the reading level of each prisoner upon commitment.

Inasmuch as the petitioner's suggested changes are not necessary, the petition is denied.

## DEPARTMENT OF JUSTICE

May 19, 2003

Marc Angelucci, President  
National Coalition of Free Men  
Los Angeles Chapter  
P.O. Box 236  
Los Angeles, CA 90010

RE: Petition for Adoption of Regulation

Dear Mr. Angelucci:

On April 17, 2003, this office received your petition for adoption of a regulation. You requested, pursuant to Government Code section 11340.7, that the Department of Justice adopt the following regulation:

"All handouts, literature, brochures or other written material regarding domestic violence, partner violence, domestic abuse, or family violence, distributed by or produced in whole or in part with the use of any government funds, shall use only gender-neutral or gender-inclusive language, so as not to exclude either male or female victims. Beginning six months after the adoption of this regulation, this regulation shall be enforceable by a civil action for injunction, and reasonable attorney's fees to the prevailing party."

Pursuant to its authority set forth in the Government Code, the Department of Justice denies the petition for adoption of a regulation on the following grounds:

1. The petition for adoption of a regulation does not clearly and concisely establish the authority to take the action requested. (Gov. Code § 11340.6.)
2. The proposed regulation is unclear. (Gov. Code §§ 11349, 11349.1.)
3. The proposed regulation is not supported by sufficient authority. (*Ibid.*)

Sincerely,

VINCENT J. SCALLY  
Supervising Deputy Attorney General  
For BILL LOCKYER  
Attorney General

### SUMMARY OF REGULATORY ACTIONS

#### REGULATIONS FILED WITH SECRETARY OF STATE

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of

State, Archives, 1020 O Street, Sacramento, CA, 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

#### AIR RESOURCES BOARD School Bus Idling ATCM

This regulatory action adopts an airborne toxic control measure to limit idling by school buses and other types of vehicles at schools.

Title 13  
California Code of Regulations  
ADOPT: 2480  
Filed 06/16/03  
Effective 07/16/03  
Agency Contact: Aron Livingston (916) 322-2884

#### BOARD OF EDUCATION Instructional Materials Funding Realignment Program (IMFRP)

This Certificate of Compliance adopts the procedures for funding instructional materials through the Instructional Materials Funding Realignment Program. (Previous OAL file #03-0110-03E)

Title 5  
California Code of Regulations  
ADOPT: 9531,9532  
Filed 06/16/03  
Effective 06/16/03  
Agency Contact: Debra Strain (916) 319-0641

#### BOARD OF PRISON TERMS Documentation Hearings

This regulatory action requires that a documentation hearing be held for life prisoners during the 36th month after the life term starts.

Title 15  
California Code of Regulations  
AMEND: 2269.1, 2273, 2308, 2369  
Filed 06/17/03  
Effective 07/17/03  
Agency Contact: Lori Manieri (916) 445-5277

#### BUREAU OF AUTOMOTIVE REPAIR Automotive Air Conditioning

This rulemaking incorporates by reference S.A.E. standard J2210, which lists the standards that must be met by refrigerant recovery equipment used by Automotive Repair Dealers to perform automotive air conditioning services.

Title 16  
California Code of Regulations  
AMEND: 3351.6, 3366  
Filed 06/12/03  
Effective 07/12/03  
Agency Contact: James Allen (916) 255-4300

**CALIFORNIA GAMBLING CONTROL COMMISSION**

**Emergency Preparedness and Evacuation Plan**

This emergency rulemaking action requires the owner of a cardroom gambling establishment to develop and implement an emergency preparedness and evacuation plan to protect employees and patrons in the event of a natural disaster, critical event, or other emergency. Failure to develop a suitable plan may result in denial of an application for renewal, suspension, or revocation of a license, and a civil penalty.

Title 4

California Code of Regulations

ADOPT: 12370

Filed 06/16/03

Effective 06/16/03

Agency Contact: Herb Bolz (916) 263-0700

**DEPARTMENT OF DEVELOPMENTAL SERVICES**

**Types of Services**

This action would amend the provision for the classification by a regional center of a vendor as a provider of occupational therapy to conform with Business and Professions Code section. It would require an occupational therapist to be licensed by the California Board of Occupational Therapy and an occupational therapist assistant to be certified by the California Board of Occupational Therapy.

Title 17

California Code of Regulations

AMEND: 54342(a)(52)

Filed 06/12/03

Effective 06/12/03

Agency Contact:

Leslie R. Carmona (916) 654-3657

**DEPARTMENT OF FOOD AND AGRICULTURE**

**Oriental Fruit Fly Interior Quarantine**

This emergency rulemaking removes the quarantine in the La Miranda area of Los Angeles and Orange counties for Oriental fruit fly.

Title 3

California Code of Regulations

AMEND: 3423(b)

Filed 06/12/03

Effective 06/12/03

Agency Contact: Stephen Brown (916) 654-1017

**DEPARTMENT OF HEALTH SERVICES**

**Drug Med-Cal Rates**

This Certificate of Compliance updates the Medi-Cal reimbursement rates for substance abuse (Drug Medi-Cal) services.

Title 22

California Code of Regulations

AMEND: 51516.1

Filed 06/17/03

Effective 06/17/03

Agency Contact:

Barbara S. Galloway (916) 657-3197

**DEPARTMENT OF TOXIC SUBSTANCES CONTROL**

**45 day Notice of Recyclable Hazardous Waste Regulations**

This regulatory action replaces the existing list of recyclable hazardous waste types with specific recyclable hazardous wastes and revises generator requirements for disposal of these recyclable hazardous wastes.

Title 22

California Code of Regulations

AMEND: 66266.1, 66266.2

Filed 06/12/03

Effective 07/12/03

Agency Contact: Joan Ferber (916) 322-6409

**FAIR POLITICAL PRACTICES COMMISSION**

**Transfer of Funds Raised Prior to Prop 34 Limits**

This action concerns transfer of funds raised prior to Proposition 34 limits for candidates for elective state office other than statewide elective office.

Title 2

California Code of Regulations

ADOPT: 18530.2

Filed 06/16/03

Effective 06/16/03

Agency Contact: Scott Tocher (916) 322-5660

**FAIR POLITICAL PRACTICES COMMISSION**

**Commission Advice Procedures**

The Fair Political Practices Commission adopts this new section on commission advice procedure to implement, interpret, and make specific Government Code sections 87300-87306.

Title 2

California Code of Regulations

ADOPT: 18329.5

Filed 06/12/03

Effective 06/12/03

Agency Contact: Jill Stecher (916) 322-5660

**FISH AND GAME COMMISSION**

**Klamath River Sport Fishing**

This regulatory action amends the sport fishing regulations for the anadromous waters of the Klamath River below the Iron Gate Dam to reduce the salmon quota, prohibit fishing within 750 feet of any Department of Fish and Game weir, permit the take of brown trout, and make other revisions.

Title 14

California Code of Regulations

AMEND: 7.50(b)(91.1)



Filed 06/17/03  
Effective 06/17/03  
Agency Contact: John M. Duffy (916) 653-4899

**FISH AND GAME COMMISSION**  
**Lobster Fishery Permits**

This action repeals the lobster fishery permit capacity goal and procedures for issuance of new lobster permits.

Title 14  
California Code of Regulations  
AMEND: 122  
Filed 06/16/03  
Effective 07/16/03  
Agency Contact: John M. Duffy (916) 653-4899

**OCCUPATIONAL SAFETY AND HEALTH**  
**STANDARDS BOARD**

Inspection of Permanent Amusement Rides, Inc.  
Aquatic Devices

This regulatory action adopts the standards for inspection and record keeping for permanent amusement park rides, including aquatic devices.

Title 8  
California Code of Regulations  
ADOPT: 3195. 3195.2, 3195.3, 3195.4 3195.5,  
3195.6, 3195.7, 3195.8, 3195.9, 3195.10, 3195.11,  
3195.12, 3195.13, 3195.14  
Filed 06/12/03  
Effective 07/12/03  
Agency Contact: Marley Hart (916) 274-5721

**STATE ALLOCATION BOARD**

Leroy F. Green School Facilities Act of 1998—  
Charter School Program

The Leroy F. Greene School Facilities Act of 1998 makes funding available to eligible school districts for various purposes related to school facilities, including construction and modernization. Assembly Bill No. 14 (stats. 2002, ch. 935) became effective January 1, 2003, which in part established the Charter School Facilities Program to provide funding to qualifying entities for the purpose of establishing school facilities for charter school pupils. This regulatory action is a readoption of an emergency regulatory action which implemented this new program.

Title 2  
California Code of Regulations  
ADOPT: 1859.160, 1859.161, 1859.162,  
1859.162.1, 1859.163, 1859.164, 1859.164.1,  
1859.165, 1859.166, 1859.166.1, 1859.167,  
1859.168, 1859.169, 1859.170, 1859.171 AMEND:  
1859.2, 1859.51, 1859.103, 1859.106, 1859.145.1  
Filed 06/13/03  
Effective 06/13/03  
Agency Contact: Lisa Jones (916) 322-1043

**STATE ALLOCATION BOARD**

Leroy F. Green School Act of 1998- Use of NC Grants

This readopted emergency rulemaking will limit the number of projects that can utilize Use of Grants (UOG) and will eliminate the method of multi-track year-round education as a means to house displaced students.

Title 2  
California Code of Regulations  
AMEND: 1859.77.2  
Filed 06/12/03  
Effective 06/12/03  
Agency Contact: Lisa Jones (916) 322-1043

**STATE ALLOCATION BOARD**

Leroy F. Green School Facilities Act of 1998- SAB Membership

This emergency rulemaking action conforms the membership of the Board and the number of members required for a quorum to recent legislative changes. (Previous OAL file #03-0205-03E).

Title 2  
California Code of Regulations  
AMEND: 1555  
Filed 06/12/03  
Effective 06/12/03  
Agency Contact: Lisa Jones (916) 322-1043

**CCR CHANGES FILED WITH THE**  
**SECRETARY OF STATE**  
**WITHIN FEBRUARY 12, 2003**  
**TO JUNE 18, 2003**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulation's titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

**Title 1**

05/08/03 REPEAL: 121, 122, 123, 124, 125, 125.5,  
126, 127, 128, App. A (Form 1013)

**Title 2**

06/16/03 ADOPT: 18530.2  
06/13/03 ADOPT: 1859.160, 1859.161, 1859.162,  
1859.162.1, 1859.163, 1859.164,  
1859.164.1, 1859.165, 1859.166,  
1859.166.1, 1859.167, 1859.168,  
1859.169, 1859.170, 1859.171 AMEND:  
1859.2, 1859.51, 1859.103, 1859.106,  
1859.145.1  
06/12/03 AMEND: 1859.77.2

06/12/03 ADOPT: 18329.5  
 06/12/03 AMEND: 1555  
 06/10/03 ADOPT: 18702.5 AMEND: 18702, 18702.1  
 06/04/03 ADOPT: 649.23, 649.24, 649.25  
 05/08/03 AMEND: 2970  
 05/07/03 ADOPT: 471.1 AMEND: 470, 470.1, 471, 472, 17502, 17520  
 05/07/03 AMEND: 547.80, 17030, 17111, 17112, 17151 REPEAL: 547.81, 17434  
 05/01/03 AMEND: 1859.61, 1859.105, 1859.106, 1859.141, 1859.142, 1859.145, 1859.147, 1859.148, 1859.150.1, 1859.151, 1859.152, 1859.153  
 04/28/03 AMEND: 1897  
 04/21/03 ADOPT: 1185.02, 1186 AMEND: 1181.1, 1183, 1183.01, 1185, 1185.01, 1185.02, 1185.1, Article 6 title. REPEAL: 1185.2, 1186, 1186.1, 1186.2, 1186.3, 1188.5  
 04/10/03 AMEND: 18313  
 04/09/03 ADOPT: 18550.1 AMEND: 18225.7  
 04/04/03 AMEND: 599.885  
 04/03/03 ADOPT: 23000, 23100, 23100, 23200, 23300  
 04/03/03 AMEND: 599.515  
 04/01/03 AMEND: 52.4  
 03/27/03 ADOPT: 18754  
 03/24/03 AMEND: 321  
 02/28/03 AMEND: 599.931  
 02/27/03 ADOPT: 1859.2, AMEND: 1859.2, 1859.20, 1859.21, 1859.74.2, 1859.74.3, 1859.74.4, 1859.75, 1859.75.1, 1859.78.3, 1859.79, 1859.81.1, 1859.83, 1859.107, and 1859.145  
 02/25/03 REPEAL: 18707.3  
 02/24/03 ADOPT: 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439 2440, 2441, 2442, 2443, 2444, 2445  
 02/24/03 AMEND: 18312  
 02/19/03 AMEND: 1859.79, 1859.79.3, 1859.81.1, 1859.83, 1859.107  
 02/18/03 AMEND: 18991  
 02/18/03 AMEND: 18704.2  
 02/13/03 ADOPT: 1859.160, 1859.161, 1859.162, 1859.162.1, 1859.163, 1859.164, 1859.164.1, 1859.165, 1859.166, 1859.166.1, 1859.167, 1859.168, 1859.169, 1859.170, 1859, 171 AMEND: 1859.2, 1859.51, 1859.103, 1859.106, 1859.145.1  
 02/13/03 AMEND: 1859.77.2

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06/12/03 AMEND: 3423(b)  
 06/03/03 AMEND: 3417  
 06/02/03 REPEAL: 796  
 05/28/03 ADOPT: 1392.12

05/22/03 AMEND: 6860  
 05/19/03 ADOPT: 6450, 6450.1, 6450.2, 6450.3, 6784 AMEND: 6000 REPEAL: 6450, 6450.1, 6450.2, 6450.3, 6784  
 05/05/03 ADOPT: 1310, 1310.1, 1310.2, 1310.3  
 04/24/03 AMEND: 6000, 6710  
 04/21/03 AMEND: 3423(b)  
 04/21/03 AMEND: 3417(b)  
 04/15/03 AMEND: 3423(b)  
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 04/07/03 AMEND: 3417(b)  
 04/03/03 AMEND: 300(c)  
 04/01/03 AMEND: 3417(b)  
 03/26/03 ADOPT: 797  
 03/20/03 AMEND: 3700(c)

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06/16/03 ADOPT: 12370  
 05/22/03 ADOPT: 12300, 12301, 12302, 12304, 12305, 12306, 12307, 12308, 12309, 12310 AMEND: 12301, 12303, 12309  
 04/09/03 AMEND: 1467  
 03/06/03 AMEND: 8072, 8074  
 02/13/03 ADOPT: 10151, 10152, 10153, 10154, 10155, 10156, 10157, 10158, 10159, 10160, 10161, 10162

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 05/15/03 ADOPT: 24000, 24001, 24002, 24003, 24004, 24005, 24006, 24007, 24008, 24009  
 05/01/03 ADOPT: 1218.5 AMEND: 1200, 1204, 1209, 1211, 1212, 1215, 1216, 1217, 1217.5, 1219, 1219.5, 1220, 1225  
 04/21/03 ADOPT: 11990  
 04/15/03 AMEND: 18106  
 04/14/03 AMEND: 11510, 11512.5(a)(11), 11517 REPEAL: 11510(j)  
 04/07/03 ADOPT: 80020.1  
 04/03/03 ADOPT: 11971, 11972, 11973, 11974, 11975, 11976, 11977, 11978, 11979, 11980  
 03/18/03 AMEND: 20438, 20440  
 03/12/03 ADOPT: 53207  
 02/24/03 AMEND: 18301  
 02/14/03 ADOPT: 54400

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06/03/03 AMEND: 201, 202, 203, 204, 208, 209, 210, 211, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222

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06/09/03 AMEND: 344.30  
06/02/03 AMEND: 4821  
05/30/03 ADOPT: 15220, 15220.1, 15220.2,  
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05/29/03 AMEND: 5161, 5164  
05/27/03 AMEND: 5214  
05/20/03 AMEND: 9785, 9785.2, 9785.3, 9786,  
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05/07/03 ADOPT: 20400, 20401, 20402, 20403,  
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05/01/03 AMEND: 10122, 10133.15, 10133.16  
05/01/03 AMEND: 10106.1, 10107.1, 10111.2  
04/09/03 AMEND: 15210  
04/07/03 AMEND: 15251  
03/26/03 AMEND: 3279, 3280  
03/03/03 ADOPT: 17000 REPEAL: 17000  
02/24/03 AMEND: 451, 527

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06/05/03 ADOPT: 880, 881, 882, 883, 884, 885,  
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05/20/03 ADOPT: 7149.1 AMEND: 7174  
03/25/03 AMEND: 821  
02/20/03 AMEND: 9100

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06/10/03 ADOPT: 310.156.3 AMEND: 310.114.1  
06/05/03 AMEND: 2695.2  
06/03/03 AMEND: 2509.40, 2509.41, 2509.42,  
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2698.99.12, 2698.99.13  
05/20/03 AMEND: 2699.100, 2699.200, 2699.201,  
2699.202, 2699.205, 2699.206, 2699.207,  
2699.210, 2699.300, 2699.301, 2699.303,  
2699.304, 2699.400  
05/06/03 ADOPT: 2498.6  
04/29/03 ADOPT: 2192.1, 2192.2, 2192.3, 2192.4,  
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02-0531-04 EE  
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04/24/03 ADOPT: 2695.85 AMEND: 2695.1,  
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03/27/03 AMEND: 260.211, 260.211.1

03/20/03 ADOPT: 2187.4

03/20/03 ADOPT: 2698, 9910, 2698.99.11,  
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03/13/03 ADOPT: 2020, 2021 AMEND: 250.51

03/10/03 ADOPT: 2175, 2175.1, 2175.2, 2175.3,  
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03/06/03 AMEND: 2130.3

03/04/03 ADOPT: 260.230, 260.230.1, 260.231.2,  
260.231.3, 260.236.1, 260.236.2,  
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06/02/03 AMEND: 1003

05/05/03 AMEND: 1005

04/07/03 AMEND: 1005, 1052, D-2

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05/12/03 ADOPT: 2700, 2701, 2702, 2703, 2704,  
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05/12/03 ADOPT: 147.00

05/07/03 ADOPT: 82.00

05/06/03 AMEND: 1239

05/01/03 ADOPT: 2273.5 AMEND: 2260, 2261,  
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 04/17/03 ADOPT: 157.00  
 04/16/03 AMEND: 1956.8  
 04/14/03 AMEND: 2412(b)  
 03/03/03 ADOPT: 225.00, 225.06, 225.12, 225.15,  
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 02/21/03 AMEND: 110.04  
 02/18/03 REPEAL: 260.01, 262.00, 262.05

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 06/16/03 AMEND: 122  
 06/10/03 AMEND: 601  
 06/06/03 AMEND: 852.60.1, 852.60.2, 852.60.3,  
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 852.61.8, 852.61.9, 852.61.10, 852.61.11,  
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 06/02/03 AMEND: 17946, 17949  
 05/30/03 ADOPT: 3704.1  
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 05/22/03 AMEND: 11303, 11386  
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 05/01/03 AMEND: 27.80  
 04/30/03 AMEND: 6504, 6578.4, 6600.1  
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 04/28/03 AMEND: 2930  
 04/17/03 AMEND: 11945  
 04/15/03 ADOPT: 1.39, 1.49, 27.83 AMEND:  
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 04/15/03 ADOPT: 3704.1  
 04/14/03 ADOPT: 1.92 AMEND: 671, 671.1  
 04/08/03 AMEND: 791.7  
 04/07/03 ADOPT: 4970.09 AMEND: 4970.00,  
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 04/01/03 ADOPT: 17225.710, 17225.717,  
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 18478.5, 18494.5, 18499.1, 18499.2,  
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 18499.7, 18499.8, 18499.9 AMEND:  
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 03/26/03 AMEND: 150.02, 150.04  
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 03/10/03 ADOPT: 632 AMEND: 630  
 03/10/03 ADOPT: 150.05 AMEND: 150, 150.03  
 03/06/03 AMEND: 18464, 18465  
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 03/04/03 AMEND: 180.2  
 03/04/03 ADOPT: 749.2  
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 02/27/03 ADOPT: 105.5 AMEND: 195

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 05/27/03 AMEND: 3097  
 05/22/03 AMEND: 3170, 3170.1, 3171, 3172,  
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 05/19/03 AMEND: 4941  
 05/06/03 AMEND: 3041.3(b)  
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 04/08/03 AMEND: 3025, 3315  
 03/18/03 AMEND: 3006  
 03/06/03 ADOPT: 3375.5 AMEND: 3000, 3375,  
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 02/18/03 ADOPT: 3054.2(e)(2)(H), 3170, 3170.1,  
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 06/09/03 AMEND: 3303.2, 3340.15, 3340.16,  
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 06/05/03 ADOPT: 811  
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 05/27/03 AMEND: 1845, 1858, 1881  
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 05/02/03 AMEND: 1953  
 05/01/03 AMEND: 2602, 2615, 2620  
 04/30/03 ADOPT: 1070.2 AMEND: 1070, 1070.1  
 04/28/03 AMEND: 3340.1, 3392.1, 3392.2,  
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 04/24/03 AMEND: 1444.5  
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 1399.388, 1399.389, 1399.390 AMEND:  
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 03/13/03 AMEND: 404  
 03/13/03 AMEND: 1807.2  
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 06/05/03 AMEND: 57332  
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 05/27/03 AMEND: 54327, 54327.1, 56002  
 05/15/03 AMEND: 58420  
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 10326, 10327, 10328, 10330, 10335,  
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04/14/03 ADOPT: 13676 AMEND: 13675  
 03/13/03 AMEND: 94011  
 03/13/03 ADOPT: 1031.2, and 1031.3  
 02/27/03 AMEND: 60201  
 02/27/03 AMEND: 6020, 6025, 6035, 6050, 6051,  
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 05/27/03 AMEND: 1553  
 05/27/03 ADOPT: 1707  
 04/28/03 ADOPT: 2303, 3020, 3021, 3301, 3302,  
 3501, 3502, 4105, 4901, 4902 AMEND:  
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 03/25/03 ADOPT: 19032  
 03/13/03 AMEND: 6001

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 06/12/03 AMEND: 66266.1, 66266.2  
 06/10/03 AMEND: 66250.1, 66250.2  
 05/22/03 AMEND: 51510, 51510.1, 51510.2,  
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 05/12/03 ADOPT: 119015, 119019, 119045,  
 119069, 119076, 119191  
 05/06/03 AMEND: 1326-12  
 05/05/03 ADOPT: 115500, 115510, 115520  
 REPEAL: MPP Section 12-223.2  
 through .22.  
 04/29/03 ADOPT: 97170, 97172, 97174, 97176,  
 97178, 97180, 97182, 97184, 97186,  
 97188, 97190, 97192, 97194, 97196,  
 97198  
 04/28/03 ADOPT: 4407.1  
 04/10/03 ADOPT: 51509  
 04/08/03 AMEND: 1256-9, 1253.12-1, 1030(a)-1  
 04/04/03 AMEND: 51319, 51507.2, 51515, 51517,  
 51521  
 04/03/03 ADOPT: 64806

04/01/03 AMEND: 51215.6  
 04/01/03 AMEND: 926-3, 926-4, 926-5  
 04/01/03 AMEND: 66262.54, 66264.71, 66264.72, 66265.71, 66265.72, 66270.30  
 03/26/03 ADOPT: 69000, 69000.5, 69001, 69002, 69003, 69004, 69005, 69006, 69007, 69008, 69009, 69010, 69011, 69012, 69013  
 03/24/03 ADOPT: 110449, 110554, 118020  
 AMEND: 110385, 12-229, 12-300, 12-302  
 03/20/03 ADOPT: 67391.1  
 02/27/03 ADOPT: 51008.1 AMEND: 51104, 51515, 51520, 51521  
 02/25/03 AMEND: 12705, 12805  
 02/20/03 AMEND: 100177  
 02/19/03 AMEND: 12306  
 02/13/03 ADOPT: 66260.10, 66260.22, 66261.50, 66273.7.1, 66273.7.2, 66273.7.3, 66273.7.4, 66273.7.5, 66273.7.7, 66273.7.8, 66273.7.9, 66273.10, 66273.21, 66273.41 AMEND: 66261.1, 66261.3, 66261.6, 66261.9, 66261.101, 66262.11, 66264.1, 66265.1, 66268.1, 66270.1

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05/12/03 AMEND: 101218.1, 102419, 102421  
 04/09/03 ADOPT: 89202, 89261, 89319, 89323, 89370, 89372, 89374, 89376, 89388, 89400, 89405 AMEND: 87000, 87001, 87005, 87006, 87007, 87009, 87010, 87010.1, 87010.2, 87017, 87018, 87019, 87019.1, 89221, 87019.2, 87020, 87021, 87024, 87026, 87027, 87028, 87029, 8  
 04/03/03 ADOPT: 110226, 110242, 110251, 110336, 110337, 110355, 110485, 110547, 110615, 116004, 116018, 116036, 116038, 116042, 116061, 116062, 116063, 116100, 116102, 116104, 116106, 116108, 116110, 116114, 116116, 116118, 116120, 116122, 116124, 116130, 116132,

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06/05/03 ADOPT: 3939.1  
 06/05/03 ADOPT: 3939

05/20/03 AMEND: 3939  
 04/28/03 ADOPT: 2729, 2729.1  
 04/14/03 AMEND: 3955  
 04/01/03 AMEND: 648  
 04/01/03 AMEND: 2521  
 03/11/03 ADOPT: 3717  
 02/25/03 AMEND: 20164, 21110, 21570, 21640, 21685, 21780, 21860, 21865, 21870, 21880  
 02/25/03 AMEND: 499.1, 499.2, 499.3, 499.4, 499.5, 499.6, 499.6.1, 499.6.2, 499.7, 499.8

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05/05/03 AMEND: 6932

**Title 28**

02/18/03 ADOPT: 1300.74.30

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05/28/03 ADOPT: 90-200, 90-205, 90-210, 90-215, 90-220  
 04/09/03 AMEND: 40-107.14, 40-107.15, 42-301.2, 42-302.1, 42-302.2, 42-0302.3, 44-133.5, 44-133.8, 44-352.1, 88-832, 88-833.1  
 04/09/03 AMEND: 19-001, 19-004.412, 19-004.412(a), renumber 19-004.9 to 19-004.42, 19-004.62, 19-005.21, 19-007.1, 20-300.32, 20-300.33  
 03/27/03 AMEND: 40-187, 40-188, 40-190, 63-801  
 03/27/03 AMEND: 44-315, 89-201  
 03/25/03 AMEND: 63-405  
 03/13/03 AMEND: 11-402  
 03/10/03 AMEND: 63-403.1, 63-405.134, 63-409.122, and 63-502.31  
 02/27/03 AMEND: 46-430.1, 46-430.2, 46-430.3, 46-430.4, 46-430.5 REPEAL: 46-430.42  
 02/18/03 AMEND: 31-001, 31-002, 31-075, 31-401, 31-410, 31-420, 31-440, 31-445  
 02/13/03 ADOPT: 16-001, 16-003, 16-005, 16-010, 16-015, 16-105, 16-120, 16-130, 16-201, 16-215, 16-301, 16-310, 16-315, 16-320, 16-325, 16-401, 16-410, 16-501, 16-505, 16-510, 16-515, 16-517, 16-520, 16-601, 16-610, 16-701, 16-750, and 16-801 AMEND: 20-300, 44-3

